

# REMARKS

Reconsideration of the application is requested in view of the amendments to the specification and claims and the remarks presented herein.

The claims in the application are claims 1 to 6, 8 and 11, all other claims having been cancelled.

All the claims were rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite. Applicants have adopted Examiner's suggestion concerning "residue" and the parentheses have been deleted from the definition of X. The variable "B" has been deleted from the claims and the second "IIIa" has been changed in the specification and claims to --IIIc--. Therefore, the amended claims comply with 35 U.S.C. 112, 2<sup>nd</sup> paragraph and withdrawal of this rejection is requested. These amendments also are believed to obviate the new matter rejection bridging pages 3 and 4 of the Office Action.

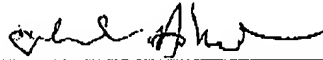
All the claims were rejected under 35 U.S.C. 112, 1<sup>st</sup> paragraph since the Examiner did not believe the specification was enabling for 3-deazapurine, 7-deazapurine or 7-deaza-8-azapurine speculating that "they might not react under the same temperature or reaction conditions".

Applicants vigorously traverse this ground of rejection since the specification unequivocally states that the products can be prepared by the prescribed process and it is settled law that Applicants do not have to provide specific examples for all embodiments. There is no scientific reason why the same reaction to prepare the purine compounds would not take place with the claimed deazapurine compounds. The Examiner's speculation on solubility is not sufficient reason to overrule the explicit statements in the application. Therefore, withdrawal of

this rejection is requested.

In view of the amendments to the claims and specification, it is believed that the claims point out Applicant's patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Hedman and Costigan



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Enclosures

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

  
Charles A. Muserlian

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